

In contrast, in the Crabtree reference, the locator 10 (i.e. parent unit) sends a modulated radio frequency signal including a digital address code associated with a given transceiver 11 (i.e. child unit) (see paragraph [0061]). If a child unit detects the transmission, the detector sends a signal back to the parent unit (paragraph [0062]). If multiple child units are utilized, then the user first selects which child unit is desired to be identified, and then the particular signal that corresponds to that child unit is transmitted (paragraph [0061]). The appropriate child unit then sends a signal to the parent unit (paragraph [0062]). Thus, the Crabtree reference presents a system similar to a roll call or polling system (analogous to a mother saying "Bobby, yell back if you can hear me"). In contrast, the present invention provides a more directed system wherein the identity of the child unit is confirmed at the parent unit (analogous to a child saying "Mommy, I am here" which is confirmed by voice recognition by the mother).

The final Office action, at paragraph 6, takes the position that the frequency of the return signal of Crabtree corresponds to the claimed "signature." However, even if this is the case, the subject matter of claim 13 is not shown. In particular, claim 13 specifies that the child locating device includes "processing means for processing the electromagnetic signal as received by the antennas so as to detect the signature of the received signal." The processing means of claim 13 is also specified to "compare the signature as detected with the representation of the signature as stored."

In contrast, the system of the Crabtree reference does not appear to detect the frequency of the received signal. Moreover, even if the Crabtree reference is argued to detect the frequency, the system of the Crabtree reference does not appear to compare the signal/frequency with any stored representation of the signal/frequency. Instead, as outlined above, the particular child unit of Crabtree is identified *prior to* sending a signal by the parent unit, and there is no comparison of "signatures" in Crabtree after the signal is received. Instead, the signal received by the parent unit is assumed to have been sent by the child device corresponding to the signal transmitted by the parent unit. Continuing with the analogy above, "Bobby" is assumed to have answered when his name was called, and therefore no "comparison" is needed.

At paragraph 3) c) of the final Office action, the control logic unit 60 of Crabtree is indicated to corresponding to the claimed processing means of claim 13. However, the discussion of the control logic unit of Crabtree (in paragraphs [0099], [0101], [0104] – [0111],

[0156] and [0192]) do not appear to disclose that the control logic unit corresponds to the processing means of claim 13, or in particular that carries out the recognition or comparison functions specified in claim 13. Thus it is submitted that the claimed processing means of claim 13 is not shown in the Crabtree reference.

The Office action's interpretation of other claim elements further supports Applicants' position in this regard. More particularly, at paragraph 3) a) of the Office action, the claimed "signature storage means for storing a representation of the signature of the further device" of claim 13 is indicated to be shown at Fig. 4 and paragraph [0016] of Crabtree. Fig. 4 illustrates a locator device identifying various address codes for associated child devices, and paragraph [0016] discloses that address codes can be stored in a first memory unit. As noted above, these stored codes are utilized for determining the nature of the query of the parent unit.

However, in order for the Crabtree reference to disclose the processing means of claim 13, the signature of the received signal must be compared to the "representation of the signal as stored"; that is, signature of the received signal must be compared to the address codes shown in Fig. 4 and paragraph [0016]. However, the address codes of Fig. 4 and paragraph [0016] appear to be used only by the parent unit in determining which frequency should be *emitted* by the parent unit (see paragraph [0094]). The address codes of Fig. 4 and paragraph [0016] do not appear to be used in any comparison of a signal *received* by the parent unit/child locating device, as specified in claim 13.

Finally, claim 13 also specifies that child locating device includes outputting means for producing, if the signature as detected corresponds to the representation of the signature as stored, an output indicative of the direction of the further device with respect to said child locating device. However, since the Crabtree reference does not determine if the signature as detected correspond to the signature as stored, this limitation is also not shown in the Crabtree reference. Thus, since the Crabtree reference does not disclose at least the claimed processing means or outputting means, it is submitted that claim 13 distinguishes over the Crabtree reference.

Claim 24 depends from claim 13 and specifies that the child locating device is arranged to communicate with two or more further devices, which adds further context to the distinctions of claim 13 discussed above.

The subject matter of claims 15, 18 and 25 is admitted not to be shown in the Crabtree reference. The Office action then concludes that it would have been obvious to one skilled in the art to arrive at the invention claimed in claims 15, 18 and 25. However, the Office action does not provide any prior art reference showing where the limitations of claims 15, 18 and 25 can be found. As noted at MPEP § 2143.03, "To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art." Moreover, at noted at MPEP § 2142:

In order to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the *prior art reference* (or references when combined) *must teach or suggest all the claim limitations*.

(emphasis added).

In this case, no prior art reference is cited as showing the subject matter of claims 15, 18 or 25. Instead, the missing subject matter is summarily concluded to be obvious. Moreover, in the rejections of claims 18 and 25, the claimed subject matter is indicated to be "obvious" merely because the claimed feature is "desirable" or "informative." However, it would be assumed that all improvements are "desirable" or "informative" hence the reason for seeking patent protection in the first place, but this feature alone does not render the claims unpatentable. Thus the nature of these rejection of claims 15, 18 and 25 falls well short of the standard needed for a proper *prima facie* showing of obviousness.

Finally, the only other independent claim (claim 31) in this application distinguishes over Crabtree for the same or similar reasons as claim 13. More particularly, claim 31 includes the steps of storing a representation of a signature associated with the further device in the locating device; comparing the signature as detected with the representation of the signature as stored; and if the signature as detected corresponds to the representation of the signature as stored, producing an output indicative of the direction of the further device with respect to the locating device. Accordingly, it is submitted that the application is in a condition for allowance and a formal notice thereof is respectfully solicited.

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Response After Final

The Commissioner is hereby authorized to charge any additional fees required, including the fee for an extension of time, or to credit any overpayment to Deposit Account 20-0809. The applicant(s) hereby authorizes the Commissioner under 37 C.F.R. §1.136(a)(3) to treat any paper that is filed in this application which requires an extension of time as incorporating a request for such an extension.

Respectfully submitted:

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